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**CENTRAL FAX CENTER**

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**OCT 31 2006****REMARKS**

This response is intended as a full and complete response to the non-final Office Action mailed August 14, 2006. In the Office Action, the Examiner notes that claims 1-3, 5-9, 21, 22 and 24-28 are pending and rejected.

In view of the following discussion, Applicants submit that none of the claims now pending in the application are obvious under the provisions of 35 U.S.C. §103. Thus, Applicants believe that all of these claims are now in allowable form.

It is to be understood that Applicants do not acquiesce to the Examiner's characterizations of the art of record or to Applicants' subject matter recited in the pending claims. Further, Applicants are not acquiescing to the Examiner's statements as to the applicability of the art of record to the pending claims by filing the instant response.

**Rejection under 35 U.S.C. §103****Claims 1-3, 5, 7-9, 21-22, 24, and 26-28**

The Examiner has rejected claims 1-3, 5, 7-9, 21-22, 24, and 26-28 under 35 U.S.C. §103(a) as being unpatentable over Field et al. (U.S. patent No. 6,018,764, hereinafter "Field") in view of Mao et al. (U.S. Patent No. 6,886,178, hereinafter "Mao"). Applicants respectfully traverse the rejection.

Applicants' independent claim 1 recites (independent claim 21 recites similar relevant limitations):

A system for broadcasting information over a television distribution network, comprising:

- a) a network headend for accessing video programming information comprising a plurality of video programs and Internet-based information from one or more sources, and broadcasting said video programming and Internet-based information, at least a portion of said Internet-based information comprising content related to said video programs;
- b) a plurality of downstream channels interfaced to said headend for transmitting said video programming information and said Internet-based information, said plurality of downstream channels comprising a plurality of information data streams conveying said Internet-based information; and
- c) a plurality of terminal devices for receiving said downstream channels, each said terminal device including:
  - 1) a tuner for receiving and selecting said downstream

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channels; and

2) a terminal processor for receiving a request for at least a portion of the Internet-based Information from a user, and in response thereto, instructing said tuner to:

switch from selecting one of said downstream channels on which said selected video program is transmitted to selecting, via one-way hyperlinking, one of said downstream channels on which said requested Internet-based Information is being transmitted from said headend, said switch between downstream channels being delayed until a time at which one of said Information data streams including said requested Internet-based Information is to be transmitted from said network headend, said time being determined using timing information identifying when each of said Information data streams is to be transmitted from said network headend; and

revert to selecting said one of said downstream channels on which said selected video program is being transmitted for concurrently displaying said selected video program and said requested Internet-based information."

[Emphasis added.]

As such, Applicants' invention teaches a switch from selecting a downstream channel on which a selected video program is transmitted to selecting, via one-way hyperlinking, a downstream channel on which requested Internet-based information is transmitted from a headend. As taught in Applicants' invention, the switch between downstream channels is delayed until a time at which the information data stream including the requested Internet-based information is to be transmitted from the network headend. In other words, Applicants' Invention minimizes the amount of time that the tuner is tuned to the downstream channel including the information data stream conveying the requested Internet-based information. As such, Applicants' invention advantageously minimizes the amount of time that the user cannot watch the selected video program during downloading of the requested Internet-based information.

By contrast, Field merely teaches use of a URL mapping table which maps URLs identifying HTML data carried in a broadcast signal to the location in the broadcast signal in which the HTML data may be found. When a user initiates a request for HTML data, the television receiver uses the URL mapping table in order to identify the location of the HTML data in the television broadcast signal. For example, for satellite broadcast, the URL mapping table taught in Field identifies a specific satellite, transponder, PID, and page number on which the HTML data is broadcast. The television receiver

retrieves the HTML data from the identified location in the broadcast stream and presents the retrieved information to the user.

Field is devoid of any teaching or suggestion that retrieval of HTML data from a broadcast stream is delayed, much less that retrieval of HTML data from a broadcast stream is delayed until the time at which the information is transmitted by the headend using the broadcast stream. As such, Field fails to teach or suggest Applicants' limitation of "said switch between downstream channels being delayed until a time at which one of said information data streams including said requested Internet-based information is to be transmitted from said network headend," as taught in Applicants' claim 1.

In the Office Action, the Examiner cites a specific portion of Field for teaching Applicants' limitation of delaying the switch between the downstream channel conveying the selected video program and the downstream channel conveying requested Internet-based information until a time at which an information stream including the requested Internet-based information is to be transmitted from the headend. The cited portion of Field, however, merely discloses that a URL or other identifier of an HTML page may be used to identify a location in a broadcast signal where the HTML page is located. Specifically, the cited portion of Field states:

"By providing table mapping data that maps a URL or other identifier of an HTML page to another form of address which identifies a location in a broadcast signal, it is possible to retrieve the HTML page corresponding to a user request signal. In addition to PIDs, the broadcast address may include other information such as a satellite identifier, transponder identifier, transmission frequency, page number, or other information required to retrieve the desired information. For example, Table 1 below shows a mapping table in accordance with the present invention. The first column of the table shows a URL of HTML data which is carried in a broadcast signal, and the second column shows the corresponding broadcast address." (Field, Col. 6, Lines 15-30).

The cited portion of Field is devoid of any teaching or suggestion of any delay. As such, Field fails to teach or suggest at least the limitation of a terminal processor for instructing a tuner to "switch from selecting one of said downstream channels on which

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said selected video program is transmitted to selecting, via one-way hyperlinking, one of said downstream channels on which said requested Internet-based information is being transmitted from said headend, said switch between downstream channels being delayed until a time at which one of said information data streams including said requested Internet-based information is to be transmitted from said network headend," as taught in Applicants' claim 1.

Furthermore, in the Office Action, in attempting to assert that the cited portion of Field teaches Applicants' limitation, the Examiner concludes that "the content is delayed until the request has been processed." (Office Action, Pg. 5). Applicants respectfully submit, however, that the Examiner's conclusion is unrelated to Applicants' limitation. Namely, a delay in transmission of content until the request for the content has been processed, as suggested by the Examiner, is not a delay in switching from a first downstream channel to a second downstream channel until an information data stream (including the requested information) in the second downstream channel is to be transmitted from a network headend, as taught in Applicants' claim 1. Thus, Field fails to teach or suggest Applicants' invention of claim 1.

Furthermore, Mao fails to bridge the substantial gap as between Field and Applicants' invention of at least claim 1.

In general, Mao teaches a digital TV system with synchronized World Wide Web content. As taught in Mao, a headend server broadcasts a rotating carousel comprising an ensemble of webpages in HTML format including both broadcast webpages and simulcast webpages, and a control map permitting the user to navigate among the HTML webpages. Mao, however, fails to teach or suggest Applicants' limitation of "said switch between downstream channels being delayed until a time at which one of said information data streams including said requested Internet-based information is to be transmitted from said network headend," as taught in Applicants' claim 1.

Rather, Mao merely describes tables which may be used to navigate to desired Web page HTML. Specifically, Mao teaches that "[i]n response to a broadcast Web page request 520, a table lookup function 518 finds the PID, tableID and tableIDext needed to locate the desired broadcast HTML Web page 517 in the rotating data carousel of the MPEG-2 data stream. The located broadcast HTML page 517 is stored

in the settop and displayed 530. The maximum latency of the system to find a given HTML Web page is the amount of time it takes the rotating carousel of HTML Web pages to repeat itself." (Mao, Col. 7, Lines 46-54, Emphasis added).

In other words, in response to a request for an HTML page, the settop of Mao tunes to the MPEG-2 data stream to identify the PID of the requested HTML page, however, since multiple HTML Web pages are transmitted in a rotating carousel, the settop box may have to wait the amount of time it takes for the rotating carousel to repeat itself before the settop box will receive the requested HTML page. Thus, since Mao specifically states that the settop box has to wait for the carousel to repeat before the settop box receives the requested HTML page, Mao fails to teach or suggest any delay as taught in Applicants' claim 1. More specifically, Mao fails to teach or suggest at least the limitation of "said switch between downstream channels being delayed until a time at which one of said information data streams including said requested Internet-based information is to be transmitted from said network headend," as taught in Applicants' claim 1.

As such, Field and Mao, alone or in combination, fail to teach or suggest at least the limitation of "said switch between downstream channels being delayed until a time at which one of said information data streams including said requested Internet-based information is to be transmitted from said network headend," as taught in Applicants' claim 1. Therefore, Field and Mao, alone or in combination, fail to teach or suggest Applicants' invention, as a whole.

The test under 35 U.S.C. §103 is not whether an improvement or a use set forth in a patent would have been obvious or non-obvious; rather, the test is whether the claimed invention, considered as a whole, would have been obvious. Jones v. Hardy, 110 U.S.P.Q. 1021, 1024 (Fed. Cir. 1984) (emphasis added). Moreover, the invention as a whole is not restricted to the specific subject matter claimed, but also embraces its properties and the problem it solves. In re Wright, 6 U.S.P.Q. 2d 1959, 1961 (Fed. Cir. 1988) (emphasis added). The combination of Field and Mao fails to teach or suggest Applicants' invention, as a whole.

Accordingly, claims 1 and 21 are not obvious and are patentable over Field and Mao under 35 U.S.C. §103. Applicants' dependent claims 2-3, 5, 7, 7-9, 22, 24 and 26-

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28 depend from Applicants' claims 1 and 21 and recite additional limitations thereof. Thus, for at least the same reasons as discussed above, Applicants submit that these dependent claims also are not obvious and are patentable over Field and Mao under 35 U.S.C. §103. Therefore, Applicants respectfully request the withdrawal of the Examiner's rejection of claims 1-3, 5, 7-9, 21-22, 24 and 26-28.

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**Claims 6 and 25**

The Examiner has rejected claims 6 and 25 under 35 U.S.C. §103(a) as being unpatentable over Field in view of Mao in further view of Bendinelli et al. (U.S. Patent No. 6,061,719, hereinafter "Bendinelli"). Applicants respectfully traverse the rejection.

Claims 6 and 25 depend, directly or indirectly, from independent claims 1 and 21 and recite additional limitations thereof. For at least the reasons discussed above, Field and Mao fail to teach or suggest Applicants' invention of at least claims 1 and 21, as a whole. Namely, Field and Mao, alone or in combination, fail to teach or suggest at least the limitation of "said switch between downstream channels being delayed until a time at which one of said information data streams including said requested Internet-based information is to be transmitted from said network headend," as taught in Applicants' invention of at least claim 1. Furthermore, Bendinelli fails to bridge the substantial gap as between Field and Mao and Applicants' invention of claims 1 and 21.

Bendinelli teaches synchronized presentation of television programming and web content. As taught in Bendinelli, URLs or other network information identifiers are transmitted with television signals in order to permit web content to be displayed in synchronization with television programming. Bendinelli, however, is completely devoid of any teaching or suggestion of delaying a switch between tuning to a downstream channel on which television programming is being transmitted to tuning to a downstream channel on which requested HTML data is being transmitted, as taught in Applicants' invention of claims 1 and 21.

As such, Applicants submit that the teachings of Field, Mao and Bendinelli, alone or in combination, fail to teach or suggest Applicants' claims 1 and 21 and, further, Applicants' dependent claims 6 and 25 which depend from Applicants' claims 1 and 21 and recite additional limitations thereof. Thus, Applicants submit that dependent claims

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6 and 25 are not obvious and are patentable under 35 U.S.C. §103. Therefore,  
Applicants respectfully request the withdrawal of the Examiner's rejection of claims 6  
and 25.

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**CONCLUSION**

Thus, Applicants submit that none of the claims, presently in the application, is obvious under the provisions of 35 U.S.C. §103. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If, however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, it is requested that the Examiner telephone Michael Bentley at (732) 383-1434 or Eamon J. Wall, Esq. at (732) 530-9404 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

Dated: 10/30/06  
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